REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 1-12, 14, 18-20, 22, and 24; claims 13 and 23 have been canceled without prejudice; and claim 25 has been added. Accordingly, claims 1-12, 14-22, and 24-25 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claims 1 and 18 under 35 U.S.C. § 112 as failing to comply with the enablement requirement. The Applicant has amended claims 1 and 18. Specifically, the term "certain criteria's" has been changed to the term "specific threshold levels." Support for this term may be found on page 14, lines 15-16 of the Specification. The term is defined on page 14, lines 15-16 and by the examples discussed on pages 12 through 14. The Examiner's consideration of the amended claims is respectfully requested.

Claims 2-17 and 19-24 depend from amended claims 1 and 18 and recite further limitations in combination with the novel elements of claims 1 and 18. Therefore, the allowance of claims 2-17 and 19-24 is respectfully requested.

The Examiner rejected claims 13 and 23 under 35 U.S.C. § 112 as failing to comply with the enablement requirement. The Applicant has canceled these claims without prejudice. So, this rejection is now deemed to be moot.

The Examiner rejected claim 1 under 35 U.S.C. § 112 due to informalities. Specifically, the Examiner rejected the phrase "said selected sampled signal burst." The Applicant has amended the claim to correct the informality. The Examiner's consideration of the amended claim is respectfully requested.

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The Examiner rejected claim 5 under 35 U.S.C. § 112 because the claim is indefinite and unclear. The Applicant has amended the claim to clarify the claim. The Examiner's consideration of the amended claim is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 1-6, 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by Shovlin, et al. (US 4,652,882). The Applicant respectfully traverses this rejection.

Claim 1 states:

> 1. A receiver for receiving an analogue signal in a communication system, where said analogue signal includes signal bursts that are varying within a first signal range comprising:
>
> at least two signal receiver branches for receiving said analogue signal, wherein the at least two signal receiver branches are arranged to have dynamic ranges that are partly overlapping each other and together cover said first signal range;
>
> *means for evaluating digital samples of said signal bursts* from said at least two signal receiver branches in accordance with specific threshold levels; and
>
> means for selecting *all digital samples corresponding to one signal burst at the same time* for further processing in said receiver, and *where said one signal burst has been received via one of said at least two signal receiver branches*.

In contrast, Shovlin is an improved monopulse Doppler radar receiver, having an interface unit, including a comparator control logic network wherein each one of the signals from the roughing filters is first divided into two channels and then downconverted to baseband video signals (Shovlin, col. 2, lines 17-24). The major difference between a monopulse receiver and a conventional receiver is the requirement for a dc error voltage output from the bearing and elevation channels. Shovlin does describe a means for accommodating signals within a wide dynamic range. For instance, Shovlin states:

> Thus, each amplifier channel, in digital terms, covers an 8 bit dynamic range with 5 bit overlap between successive channels for a total dynamic range of 17 bits or 102 dB. *The outputs from the four video channels are sampled and held in sample and hold (S/H) circuits and an analog window*

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> *comparator is used to select the output from one of the S/H's*. The output from the selected one of the S/H's is digitized by an 8 bit A/D converter and passed to an FFT signal processor along with a 2 bit word indicating from which of the channels the output signal was selected. The effect then is to divide the dynamic range of the I.F. input signal into four overlapping 48 dB ranges (48 dB being the dynamic range of an 8 bit A/D converter) to achieve an overall dynamic range of 102 dB.
> (Shovlin col. 4, line 64 to col. 5, line 10)

A close reading of the cited passage reveals that Shovlin does not have a "means for evaluating *digital* samples of said signal bursts from said at least two signal receiver branches in accordance with specific threshold levels." It is clear that in Shovlin, the channels are compared and evaluated before they are converted to the digital domain.

Additionally, Shovlin does not have a "means for selecting *all digital samples corresponding to one signal burst at the same time* for further processing in said receiver." Nothing in Shovlin indicates that *all digital samples corresponding to one signal burst at the same time are selected* as required by claim 1. Furthermore, it is believed that the selection means in Shovlin for the selecting elements does not refer to the selection of signals from the different receiver branches. These signals cited in Shovlin, in fact, have already been multiplexed by the multiplexor 63 into one signal, then divided through the power divider 65 before being mixed with a video signal at mixers 83a and 83b. This is not a means for selecting all digital samples corresponding to one signal burst at the same time for further processing *where said one signal burst has been received via one of said at least two signal receiver branches*.

Because Shovlin does not teach all of the claim elements of claim 1, the withdrawal of the 102 rejection is respectfully requested. As the examiner is aware, to sustain a 102 rejection, ALL elements of the claim must be taught by the cited art. As the Federal Circuit held:

> Under 35 U.S.C. §102, anticipation requires that *each and every element of the claimed invention be disclosed in the prior art*. . . . In addition, the *prior art reference must be enabling*, thus placing the allegedly disclosed matter in the possession of the public. *Akzo N.V. v. United States Int'l*

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Trade Comm'n, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987) (Emphasis Added)

Thus, a 102 rejection is not appropriate in this situation because all the elements of claim 1 are simply not taught by Shovlin.

Claim 18 is allowable for the same reasons that claim 1 is allowable. Claims 2-6, and 19 depend from amended claims 1 and 18 and recite further limitations in combination with the novel elements of claims 1 and 18. Therefore, the allowance of claims 2-6 and 19 is also respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Shovlin in view of Rivera, et al. (US 5,111,202). The Applicant respectfully traverses this rejection.

As noted above, Shovlin does not teach all of the elements of claim 1. Furthermore, Rivera does not make up for the elements missing from Shovlin. Thus, the combination of Shovlin and Rivera do not teach all of the elements of claims 7 and 8.

As discussed above, the amended base claim 1 contains elements which are not found in Shovlin. As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) *must teach or suggest all the claim limitations*." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Rivera patent does not provide the missing claim limitations. Thus, the combination of Shovlin and Rivera do not teach all of the claim elements. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 9-14 and 20-24 under 35 U.S.C. § 103(a) as being unpatentable over Shovlin in view of Wilson, et al. (US 5,617,060). The Applicant respectfully traverses this rejection.

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As noted above, Shovlin does not teach all of the elements of claims 1 and 18. Furthermore, Wilson does not make up for the elements missing from Shovlin. Thus, the combination of Shovlin and Wilson do not teach all of the elements of claims 9-14 and 20-24.

As discussed above, the amended base claims 1 and 18 contain elements which are not found in Shovlin. As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) *must teach or suggest all the claim limitations*." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Wilson patent does not provide the missing claim limitations. Thus, the combination of Shovlin and Wilson do not teach all of the claim elements. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Shovlin. It is respectfully submitted that claims 15-17 are dependent claims and are patentable for the same reasons that claim 1 is patentable.

5.) New Claim

The Applicant has submitted a new claim with a combination of elements that are clearly not found in Shovlin nor any of the cited references. The Examiner's consideration of this new claim is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

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The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

Date: July 6, 2004

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